

Atty. Dkt. No. 035451-0169 (3707.Palm)

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages [0002], [0026], and [0027].

Claims 2, 10, 18, and 26 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-32 are now pending in this application.

### Specification

In section 1 of the Office Action, the Examiner indicated that the trademark of BLUETOOTH has been noted in this application. The Examiner indicated that it should be capitalized wherever it appears and be accompanied by the generic terminology. Applicants have amended paragraphs [0002], [0026], and [0027] in accordance with the Examiner's suggestion. Accordingly, Applicants respectfully request the withdrawal of any objection to the specification.

### Claim Rejections - 35 U.S.C. § 102

In section 3 of the Office Action, the Examiner rejected Claims 1-5, 7-13, 15-21, 23-29, and 32 under 35 U.S.C. § 102(e) as being anticipated by Bork et al. (U.S. Patent No. 6,246,376). In regard to Claim 1, the Examiner indicated that:

Regarding claim 1, Bork discloses a method of communicating between a handheld computer and other local area computing devices have wireless communication capability. (Col. 1 lines 31-35) Bork discloses a handheld computer that identifies a plurality

Atty. Dkt. No. 035451-0169 (3707.Palm)

of other wireless local area computing devices, creating an identifier for the other devices, and listing the identifiers on a display that can be sorted by distance and direction. (Col. 1 lines 55-57, Col. 3 lines 44-47 and Col. 5 lines 49-54)

Applicants traverse the rejection in that independent Claim 1 recites "listing each identifier on display, wherein the list is sorted in order of at least one of distance and direction from the handheld computer." The Examiner indicates that this limitation is disclosed at one of column 1, lines 55-57, column 3, lines 44-47, and column 5, lines 49-54. Applicants have examined Bork et al. and in particular the referenced citations and do not find any disclosure for listing the identifiers on a display wherein the list is sorted in order of at least one of distance and direction from the handheld computer. Bork et al. is directed to the way in which a direction and location of a device is obtained. Bork et al. does not disclose, teach, or suggest how to handle such information when such information is available from multiple sources which makes it easier and more efficient for a user to communicate with other devices. Accordingly, Bork et al. does not disclose, teach, or suggest all of the claim limitations of independent Claim 1. Therefore, independent Claim 1 and its dependent claims are allowable.

With regard to Claim 8, Claim 8 has been amended to recite "listing each identifier on a display, wherein the list is sorted in order of at least one of distance and direction from the handheld computer", which is the same limitation recited in independent Claim 1. Accordingly, for all of the reasons recited with respect to independent Claim 1, independent Claim 8 is similarly allowable. Accordingly, independent Claim 8 and its dependent claims are also allowable.

With regard to independent Claim 16, independent Claim 16 recites "wherein the processor instructs the display to list a plurality of other computing devices located within range of the transmitter, sorted in order of at least one of the distance and the direction from the wireless communication device." Applicants respectfully submit for the reasons provided with

Atty. Dkt. No. 035451-0169 (3707.Palm)

respect to independent Claim 1, independent Claim 16 is also allowable. Accordingly, Applicants respectfully submit that Claim 16 and its dependent claims are therefore allowable.

Claim Rejections – 35 U.S.C. § 103

In section 5 of the Office Action, the Examiner rejected Claims 6, 14, 22, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Bork in view of Kikinis et al. (U.S. Patent No. 6,389,290). It is asserted that Claims 6, 14, 22, 30, and 31 are believed to be allowable as dependent from an allowable base claim. However, if the base claim is not found allowable, Applicants respectfully submit that Claims 6, 14, 22, 30, and 31 should separately be allowed. Applicants respectfully submit that Kikinis although disclosing the use of pinging to locate a mobile user in a network, does not teach or suggest how this information could be displayed to a user in order to effectuate more efficient communications between a wireless communication device and a group of other devices which are located nearby the wireless device. All that is taught in Kikinis is that a cellular or like device can be located, perhaps to an accuracy of a few feet. Nothing in Kikinis discloses, teaches, or suggests the desirability of combining the teachings of Bork et al. to arrive at Applicant's invention. First, as discussed above all of the claim limitations are not taught or suggested by any combination of Bork and Kikinis et al. Even if all the claim limitations could be found in the combination of references, there is no desirability provided by Bork et al. or Kikinis et al. to make the combination. The technology provided in Kikinis et al. is simply required to comply with mandated emergency response purposes. Accordingly, there is no disclosure, teaching, or suggestion to combine the references in order to arrive at the invention of Claims 6, 14, 22, 30, and 31. Accordingly, Applicants respectfully submit that Claims 6, 14, 22, 30, and 31 are therefore allowable.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Atty. Dkt. No. 035451-0169 (3707.Palm)

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date January 18, 2005By Alistair K. Chan

FOLEY & LARDNER LLP  
Customer Number: 26371  
Telephone: (414) 297-5730  
Facsimile: (414) 297-4900

Alistair K. Chan  
Attorney for Applicants  
Registration No. 44,603